IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 26706 of 2005(D)

PETITIONERS:
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1. JOSE THOMAS,
KARETTEMALIACKAL, MADAKKATHANAM P.O.,
VAZHAKULAM, MOOVATTUPUZHA.

2. ANNIE GEORGE,
MUNDACKAL HOUSE, MADAKKATHANAM P.O.,
VAZHAKULAM, MOOVATTUPUZHA.

BY ADV. SRI.JOMY GEORGE

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
COLLECTORATE, ERNAKULAM.

2. EXECUTIVE ENGINEER,
KERALA PUBLIC WORKS DEPARTMENT,
KERALA STATE TRANSPORT PROJECT,
TRUST HOUSE COMPOUND, THIRUVANANTHAPURAM.

3. CHIEF ENGINEER,
KERALA STATE TRANSPORT PROJECT,THIRUVANANTHAPURAM.

4. SPECIAL TAHSILDAR,
LAND ACQUISITION, N.H.NO.II, ALUVA.

5. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER L.G.SURESH BABU FOR R4 AND R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C) NO. 26706 OF 2005

Dated this the 6th day of February, 2007

J U D G M E N T

Petitioners' lands were acquired for widening of a road. It is the contention of the petitioners that in the meeting held by the District Collector and the other officers from K.S.T.P, it was assured to the petitioners that a retaining wall will be constructed for giving lateral support for the petitioners remaining land and residential building, provided the petitioners surrender their land for road for the value fixed by the authorities. On that basis, consent was given and land was acquired and the petitioners did not seek for any enhancement because of the assurance so made. But after widening the road, the respondent did not construct the retaining wall as assured.

2. The first petitioner has preferred Ext.P3 representation before the District Collector seeking redressal of his grievance in the matter.

3. Heard the learned Government pleader.

4. In the facts and circumstances, the District Collector, Ernakulam shall consider Ext.P3 submitted by the first petitioner

and dispose of the same in accordance with law. He shall produce a copy of this judgment along with a copy of this writ petition before the District Collector for compliance.

Writ petition is disposed of as above.

P.R.RAMAN, JUDGE

Rp